
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	File No.: EB-FIELDWR-17-00023625
)	
Cowlitz County Fire District #5)	NOV No.: V201732920005
Licensee of Radio Station WQWI596)	
Kalama, Washington)	
)	

NOTICE OF VIOLATION

Released: March 21, 2017

By the Regional Director, Region Three, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Cowlitz County Fire District #5 (Cowlitz), licensee of radio station WQWI596 in Kalama, Washington. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On February 21, 2017, in response to a co-channel interference complaint on frequency 159.015 MHz registered by Polk County, Oregon, Call Sign KGR262, an agent of the Enforcement Bureau's Portland Office investigated radio station WQWI596 located in Kalama, Washington, and observed the following violation:

- a. WQWI596 was licensed to operate frequency 159.015 MHz as a base station on a secondary basis. During the agent's investigation, he observed Cowlitz's station, WQWI596, causing harmful interference to Polk County's station, Call Sign KGR262. Accordingly, Cowlitz must resolve the interference caused to primary station KGR262. 47 CFR § 90.173(b) states: "All applicants and licensees shall cooperate in the selection and use of frequencies in order to reduce interference and make the most effective use of the authorized facilities. Licensees of stations suffering or causing harmful interference are expected to cooperate and resolve this problem by mutual satisfactory arrangements. If licensees are unable to do so, the Commission may impose restrictions including specifying the transmitter power, antenna height, or area or hours of operation of the stations concerned. Further the use of any frequency at a given geographical location may be denied when, in the judgment of the Commission, its use in that location is not in the public interest; the use of any frequency may be restricted as to specified geographical areas, maximum power, or such other operating conditions, contained in this part or in the station authorization." Section 90.20 of the Rules

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

Federal Communications Commission

authorizes frequency 159.015 MHz for mobile stations in the Public Safety Pool of Part 90 of the Rules; however, under Section 90.173(h), base stations may be authorized on a secondary basis on frequencies below 450 MHz which are available to mobile stations.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Cowlitz, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Cowlitz to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Cowlitz with personal knowledge of the representations provided in Cowlitz's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Portland Office
P.O. Box 61469
Vancouver, Washington 98666-1469

6. This Notice shall be sent to Cowlitz County Fire District #5 at its address of record.

³ 47 U.S.C. § 308(b).

⁴ 47 CFR § 1.89(c).

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 CFR § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 CFR § 1.17.

Federal Communications Commission

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Lark Hadley
Regional Director
Region Three
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).